

SUPREME COURT OF CALIFORNIA

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**NOTICE OF  
FORTHCOMING FILING**

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**The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)) and copies will be made available at the Supreme Court Clerk's Office.**

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

**PEOPLE v. ANDERSON (BARRY)**

S152695 (C048283 & C047502; Sacramento County Superior Court – 03F00398)  
Argued in San Francisco 5-06-09

The court limited review to the following issue: Do double jeopardy principles preclude retrial of a sentencing allegation under the one strike law (Pen. Code, § 667.61) if the jury convicts the defendant of a qualifying offense but is unable to reach a verdict on the related sentencing allegation? (See also *Porter v. Superior Court of Monterey County*, S152273 [#07-281].)

**PORTER v. SUPERIOR COURT**

S152273 (H029884; Monterey County Superior Court – SS042332A)  
Argued in San Francisco 5-06-09

This case presents the following issue: Do double jeopardy principles preclude retrial of the allegation that an attempted murder was willful, deliberate, and premeditated (Pen. Code, § 664, subd. (a)) or retrial of an enhancement for allegedly committing the crime for the benefit of a criminal street gang (Pen. Code, § 186.22, subd. (b)) if the trial court granted a motion for a new trial on those allegations because the jury's verdicts were "contrary to . . . [the] evidence" within the meaning of Penal Code section 1181, subdivision 6? (See also *People v. Anderson (Barry)*, S152695 [#07-280].)

**Opinion(s) in the above case(s) will be filed on:**

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Thursday, July 23, 2009 at 10:00 a.m.